IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Jogendra Singh Vs. Smt. Om Kanwar

S.B.CR.MISC. PETITION NO.1473/2006

DATE OF ORDER :: November 24, 2006

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr. R.S.Chundawat, for the petitioner.

BY THE COURT:

By the instant criminal misc. petition under section 482 Cr.P.C., the petitioner has challenged the order dt. 11.7.2006 passed by the Judicial Magistrate, Bar (for short 'the trial court' hereinafter), wherein during the pendency of the application filed by non-petitioner under section 125 Cr.P.C., the trial court granted monthly allowance of maintenance at the rate of Rs.2500/- per month from the date of the application.

I have heard learned counsel for the petitioner. Carefully gone through the order impugned.

It is contended by the learned counsel for the petitioner that the non-petitioner is his legally wedded wife. The petitioner is an employee in Rajasthan Armed Constabulary. Keeping the salary of the petitioner, the trial court granted interim maintenance. In my view the parties yet to lead the evidence and, therefore, it cannot be said that the order granting maintenance is erroneous warranting interference in the inherent jurisdiction. Learned counsel for the petitioner submits that the order granting maintenance from the date of application ought to have been from the date of order impugned. This contention of the learned counsel for the petitioner cannot be accepted in view of the decision of a Division Bench of this Court in Smt. Savita Sharma vs. Shri Krishan Murari, **1990 (1) RLR 400,** wherein this Court held that the maintenance should be from the date of application.

In this view of the matter, the petition has no force and the same is, therefore, dismissed. However, the trial court is directed to decide the main application filed by the non-petitioner under section 125 Cr.P.C. utmost expeditiously perferable within six months from the receipt of the order of this Court.

[H.R.PANWAR],J.

m.asif/-